

**FTC 01-A04  
CONSTRUCT OFFICE BUILDING #25  
FEDERAL LAW ENFORCEMENT TRAINING CENTER  
ARTESIA, NM**

**SECTION L  
INSTRUCTIONS, CONDITIONS AND NOTICE TO  
OFFERORS**

**DEPARTMENT OF THE TREASURY  
FEDERAL LAW ENFORCEMENT TRAINING CENTER  
PROCUREMENT DIVISION  
BUILDING 93  
GLYNCO, GEORGIA 31524**

FIXED PRICE CONSTRUCTION  
PART IV – REPRESENTATIONS AND INSTRUCTIONS

**SECTION L**  
**INSTRUCTIONS, CONDITIONS AND**  
**NOTICE TO OFFERORS**

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**L.1 52.252-1 Solicitation Provisions Incorporated by Reference (JUN 88) [52.107(a)]**

This solicitation incorporates one or more solicitation provision by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available.

- 52.215-1 Instructions to Offerors – Competitive Acquisition (FEB 00) Alt I (May 01) [15.209(a)(1)] Alt I (Oct 97)
- 52.232-13 Notice of Progress Payments (APR 84) [32.502-3(a)]

**L.2 52.204-6 Contractor Identification Number—Data Universal Numbering System (DUNS) Number (June 1999) [4.603(a)]**

a) The offeror shall enter, in the block with its name and address on the cover page of its offer, the annotation "DUNS" followed by the DUNS number that identifies the offeror's name and address exactly as stated in the offer. The DUNS number is a nine-digit number assigned by Dun and Bradstreet Information Services.

(b) If the offeror does not have a DUNS number, it should contact Dun and Bradstreet directly to obtain one. A DUNS number will be provided immediately by telephone at no charge to the offeror. For information on obtaining a DUNS number, the offeror, if located within the United States, should call Dun and Bradstreet at 1-800-333-0505. The offeror should be prepared to provide the following information:

- (1) Company name
- (2) Company address
- (3) Company telephone number
- (4) Line of business
- (5) Chief executive officer/key manager
- (6) Date the company was started
- (7) Number of people employed by the company
- (8) Company affiliation

(c) Offerors located outside the United States may obtain the location and phone number of the local Dun and Bradstreet Information Services office from the Internet home page at <http://www.customerservice@dnb.com>. If an offeror is unable to locate a local service center, it may send an e-mail to Dun and Bradstreet at [globalinfo@mail.dnb.com](mailto:globalinfo@mail.dnb.com).

(End of provision)

**L.3 52.211-1 Availability of Specifications Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR Part 101-29 (AUG 98) [11.204(a)]** ]

(a) The GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR Part 101-29, and copies of specifications, standards, and commercial item descriptions cited in this solicitation may be obtained for a fee by submitting a request to--

GSA Federal Supply Service  
Specifications Section, Suite 8100  
470 East L'Enfant Plaza, SW

Washington, DC 20407  
Telephone (202) 619-8925  
Facsimile (202) 619-8978.

(b) If the General Services Administration, Department of Agriculture, or Department of Veterans Affairs issued this solicitation, a single copy of specifications, standards, and commercial item descriptions cited in this solicitation may be obtained free of charge by submitting a request to the addressee in paragraph (a) of this provision. Additional copies will be issued for a fee.

(End of provision)

**L.4 52.216-1 Type of Contract (APR 84) [16.105]**

The Government contemplates award of a firm fixed price contract resulting from this solicitation.

(End of provision)

**L.5 52.222-23 Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity for Construction (FEB 99) [22.810(b)]**

(a) The offeror's attention is called to the Equal Opportunity clause and the Affirmative Action Compliance Requirements for Construction clause of this solicitation.

(b) The goals for minority and female participation, expressed in percentage terms for the Contractor's aggregate workforce in each trade on all construction work in the covered area, are as follows:

**GOALS FOR MINORITY  
PARTICIPATION FOR  
EACH TRADE**

**22.2%**

**GOALS FOR FEMALE  
PARTICIPATION FOR  
EACH TRADE**

**6.9%**

These goals are applicable to all the Contractor's construction work performed in the covered area. If the Contractor performs construction work in a geographical area located outside of the covered area, the Contractor shall apply the goals established for the geographical area where the work is actually performed. Goals are published periodically in the Federal Register in notice form, and these notices may be obtained from any Officer of Federal Contract Compliance Programs Office.

(c) The Contractor's compliance with Executive Order 11246, as amended, and the regulations in 41 CFR 60-4 shall be based on (1) its implementation of the Equal Opportunity clause, (2) specific affirmative action obligations required by the clause entitled 'Affirmative Action Compliance Requirements for Construction,' and (3) its efforts to meet the goals. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade. The Contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor to Contractor, or from project to project, for the sole purpose of meeting the Contractor's goal shall be a violation of the contract, Executive Order

11246, as amended, and the regulations in 41 CFR60-4. Compliance with the goals will be measured against the total work hours performed.

(d) The Contractor shall provide written notification to the Director, Office of Federal Contract Compliance Programs, within 10 working days following award of any construction subcontract in excess of \$10,000 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the:

- (1) Name, address, and telephone number of the subcontractor;
- (2) Employer's identification number of the subcontractor;
- (3) Estimated dollar amount of the subcontract;
- (4) Estimated starting and completion dates of the subcontract; and
- (5) Geographical area in which the subcontract is to be performed.

(e) As used in this Notice, and in any contract resulting from this solicitation, the "covered area is Glynco, Glynn County, Georgia, and Artesia, Eddy County, New Mexico.

(End of Provision)

**L.6 52.225-10 Notice of Buy American Act/Balance of Payments Program Requirement—Construction Materials (FEB 00) [25.1102(b)(1)]**

(a) Definitions. "Construction material," "domestic construction material," and "foreign construction material," as used in this provision, are defined in the clause of this solicitation entitled "Buy American Act--Balance of Payments Program--Construction Materials" (Federal Acquisition Regulation (FAR) clause 52.225-9).

(b) Requests for determinations of inapplicability. An offeror requesting a determination regarding the inapplicability of the Buy American Act or Balance of Payments Program should submit the request to the Contracting Officer in time to allow a determination before submission of offers. The offeror shall include the information and applicable supporting data required by paragraphs (c) and (d) of the clause at FAR 52.225-9 in the request. If an offeror has not requested a determination regarding the inapplicability of the Buy American Act or Balance of Payments Program before submitting its offer, or has not received a response to a previous request, the offeror shall include the information and supporting data in the offer.

(c) Evaluation of offers.

(1) The Government will evaluate an offer requesting exception to the requirements of the Buy American Act or Balance of Payments Program, based on claimed unreasonable cost of domestic construction material, by adding to the offered price the appropriate percentage of the cost of such foreign construction material, as specified in paragraph (b)(3)(i) of the clause at FAR 52.225-9.

(2) If evaluation results in a tie between an offeror that requested the substitution of foreign construction material based on unreasonable cost and an offeror that did

not request an exception, the Contracting Officer will award to the offeror that did not request an exception based on unreasonable cost.

(d) Alternate offers.

(1) When an offer includes foreign construction material not listed by the Government in this solicitation in paragraph (b)(2) of the clause at FAR 52.225-9, the offeror also may submit an alternate offer based on use of equivalent domestic construction material.

(2) If an alternate offer is submitted, the offeror shall submit a separate Standard Form 1442 for the alternate offer, and a separate price comparison table prepared in accordance with paragraphs (c) and (d) of the clause at FAR 52.225-9 for the offer that is based on the use of any foreign construction material for which the Government has not yet determined an exception applies.

(3) If the Government determines that a particular exception requested in accordance with paragraph (c) of the clause at FAR 52.225-9 does not apply, the Government will evaluate only those offers based on use of the equivalent domestic construction material, and the offeror shall be required to furnish such domestic construction material. An offer based on use of the foreign construction material for which an exception was requested--

(i) Will be rejected as nonresponsive if this acquisition is conducted by sealed bidding; or

(ii) May be accepted if revised during negotiations.

(End of provision)

**L.7 52.233-2 Service of Protest (AUG 96) [33.106]**

(a) Protests, as defined in section 33.101 of the Federal Acquisition Regulation, that are filed directly with an agency, and copies of any protest that are filed with the General Accounting Office (GAO), shall be served on the Contracting officer (addressed as follows) by obtaining written and dated acknowledgment of receipt from:

Federal Law Enforcement Training Center  
Procurement Division  
Construction Contracts Branch  
Building 93  
Glynco, GA 31524

(b) The copy of any protest shall be received in the office designated above within one day of filing a protest with the GAO.

(End of provision)

**L.8 52.236-27 Site Visit (Construction) (FEB95) [36.523]**

(a) The clauses at 52.236-2, Differing Site Conditions, and 52.236-3, Site Investigations and Conditions Affecting the Work, will be included in any contract awarded as a

result of this solicitation. Accordingly, offerors or quoters are urged and expected to inspect the site where the work will be performed.

(b) An organized site visit has been scheduled for June 15, 2001 at 9:00 am Mountain time.

(c) **Participants will meet at the Federal Law Enforcement Training Center, Building 22, Artesia, New Mexico.**

#### **L.9 Site Visit**

Contract and technical representatives from the Procurement Office and the Facilities Management Division will be available during the Site Visit. Prospective offerors are encouraged to have company representatives present at this site visit.

**Prospective Offerors are to contact Ms. Deborah Wrice, phone number (912) 261-3631, at least 24 hours prior to the site visit to identify that they will be attending and to assure that no changes have occurred.**

To facilitate the answering of technical and contractual questions, offerors attending should bring with them a written copy of any questions they may have concerning the IFB and Technical Specifications. These questions will be handed in to the Government at the beginning of the site visit. Site visit will start promptly as scheduled.

#### **L.10 1052.219-71 Subcontracting Plan (JUL 98) [DTAR 1019.708(b)(71)]**

As part of its initial proposal, each large business offeror shall submit a subcontracting plan, as prescribed in FAR 52.219-9. Use of the subcontracting plan outline contained in Section J of this solicitation is optional, however, plans must contain all elements included in the outline.

(End of provision)

#### **L.11 Small Business Standard and Classification - North American Industry Classification System (NAICS)**

In addition to being independently owned and operated and not dominant in the field of operation in which it offers on Government contracts, a small business concern in order to qualify as such, must meet the criteria as set forth below:

The average annual receipts of the concern and its affiliates for the proceeding three fiscal years must not exceed **\$27.5 million**. "Annual receipts" means the gross income (less returns and allowances, sales of products and services, interest, rents, fees, commission, and/or from whatever other source derived, as entered on its regular books of account for its most recently completed fiscal year.

DESCRIPTION: **Commercial and Institutional Building Construction**

CLASSIFICATION CODE: **NAICS - 233320 (SIC - 1542)**



**OFFICE OF FEDERAL CONTRACT COMPLIANCE APPLICABLE TO CONSTRUCTION  
PROJECTS SPONSORED BY FLETC:**

<u>Region</u>	<u>States</u>	<u>Address</u>	<u>Telephone</u>
IV	N. Carolina S. Carolina Kentucky Tennessee Mississippi Alabama Georgia Florida	OFCCP/ESA A-Atlanta U.S. Department of Labor 1371 Peachtree St, N.E. Room 11 Atlanta, GA 30367	(404) 562-2424

**L.12 Bid Guarantee (Applicable Only to Offers Exceeding \$25,000)**

To assure the execution of the contract and the performance and payment bonds, each offeror shall submit with its bid a guarantee bond (Standard Form 24) executed by a surety company holding a certificate of authority from the Secretary of the Treasury as an acceptable surety, or other security as provided in Contract Clause 'Individual Surety.' Security shall at least be in the sum of 20% of the guaranteed minimum shown in Section B.5 but shall not exceed \$3 million. Bid Guarantee shall be accompany by a verifax or other facsimile copy of the agent's authority to sign bonds for the surety company. See Section J, Attachment #17 for the SF 24.

**L.13 Bonds – Payment & Performance (Applicable Only to Offers Exceeding \$25,000)**

Within 10 days after receipt of award, the offeror to whom award is made shall furnish two bonds, each with satisfactory security; namely a performance bond (Standard Form 25) and a payment bond (Standard Form 25A). (See Section J, Attachment #18 and #19 for SF 25 and SF 25A). The performance bond shall be in a penal sum equal to 100 percent of the guaranteed estimated minimum of \$150,000.00. The payment bond shall be in a penal sum equal to 100 percent of the guaranteed estimated minimum of \$150,000.00. The bond of any surety company holding a certificate of authority from the Secretary of the Treasury as an acceptable surety on Federal bonds will be accepted. Individual sureties will be acceptable. At least tow individual sureties must execute the bond and the net worth of each individual must equal or exceed the penal amount of the bond. As an option and in lieu of sureties, the offeror may deposit with the Contracting Officer an Irrevocable Letter of Credit, cash bonds, or notes of the United States, or certified check drawn to the order of the Treasurer of the United States, or such other security as the Contracting Officer may deem necessary for the required amount of the guaranty, under the agreement that the collateral so deposited shall remain the possession and control of the Treasurer of the United States for at least one year after the completion of the contract. The contract time for purposes of fixing the completion date, default, and liquidated damages or other deductions shall begin to run 15 days from the date or award, regardless of when performance and payment bonds are executed.

**L.14 Individual Surety**

As prescribed in FAR 28.202-2, individual sureties are acceptable for all types of bonds except position schedule bonds. In order for the Contracting Officer to determine the acceptability of individuals proposed as sureties, all offeror/offerors who submit bonds which are

executed by individual sureties are required to furnish the following information in support of SF-28, Affidavit of Individual Surety, with the bond(s):

- (1) A completed description of real property offered, supported by proof of title, such as by title opinion or abstract of title, and a certified appraisal or tax assessment;
- (2) C.P.A. certified balance sheet(s) and income statement(s) with a signed opinion for each individual surety;
- (3) Independent certified appraisal of net value of property offered;
- (4) Independent Certification by licensed attorney or title company of liens or other encumbrances which exist against all property listed;
- (5) A current list of all other bonds on which the individual is a surety and bonds for which the individual is requesting to be a surety, together with a statement as to the percent completion of these bonded jobs.
- (6) Copy of latest Federal and State Income Tax returns including all schedules.

This information is necessary to enable the Government to evaluate the sufficiency of the surety. Failure to furnish this information may result in nonapproval of the surety and a determination of nonresponsibility. Please see Section J, Attachment 20, for sample SF-28.

#### **L.15 Irrevocable Letter of Credit**

As prescribed in FAR 28.204-3, an Irrevocable Letter of Credit is acceptable for all types of bonds, if all provisions of FAR 28.204-3 and FAR 52.228-14 requires a specific format for the Irrevocable Letter of Credit and the letter from the Financial Institution confirming an Irrevocable Letter of Credit. Please see Attachment #26 for the required format for an Irrevocable Letter of Credit and Attachment #27 for the required format for the Financial Institution to Confirm an Irrevocable Letter of Credit.

#### **L.16 Applicable Wage Determination**

Work completed under this project is subject to the Davis-Bacon Act. The applicable wage determination is included in Section J, Attachment #21, and will become part of any contract resulting from this solicitation.

#### **L.17 Questions or Clarifications on Specifications and Drawings**

**Any questions** pertaining to the specifications and drawings shall be submitted **in writing** to the Contract Specialist or Officer at least 10 working days prior to offers opening date. Questions may be submitted by facsimile at (912) 280-5343.

#### **L.18 Representations and Certifications**

Section K, Representations, Certifications and Other Statements of Offerors, are required to be completed and submitted with your firm's offer. Please read each statement and complete

as appropriate. Failure to complete, sign and return this Section K, could deem your offer nonresponsive.

**L.19 52.252-5 Authorized Deviations in Provisions (APR 84) [52.107(e)]**

(a) The use in this solicitation of any Federal Acquisition Regulation (48 CFR Chapter 1) provision is indicated by the addition of “(DEVIATION)” after the date of the provision.

(b) The use in this solicitation of any Department of Treasury Acquisition Regulation deviation to FAR (48 CFR Chapter 1352, title 31) provision is indicated by the addition of “(Deviation)” after the name of the regulation.

**L.20 Brand Name Manufacturers**

Addresses for brand name manufacturers will be available upon request or may be obtained by referencing the Thomas Register.

**L.21 Project Magnitude**

The magnitude of this contract is between **\$5,000,000 and \$10,000,000.**

**L.22 General Instructions**

- (a) Offerors are invited to submit a proposal in response to Solicitation Number FTC-01-A04.
- (b) The following instructions establish the acceptable minimum requirements for the format and content of proposals.
- (c) Your attention is directed to the requirements for technical and cost/price proposals that must be submitted in accordance with the instructions.
- (d) All factors and significant subfactors that will affect the contract award are stated herein. Offerors are advised that the Technical Proposal guidelines are outlined in Section L of this Solicitation and the Governments evaluation standards to be used in the evaluation of technical proposals are outlined in Section M of the Solicitation. The Government will evaluate all technical proposals in accordance with the evaluation criteria set forth in Section M, Evaluation Factors for Award.

Note, Factors and Subfactors that will affect award are listed in descending order of importance. Factor one (1) is more important than Factors two (2), and three (3). Factor two (2) and Factor three (3) are equal, however Subfactor A in Factor two (2) is more important than subfactor B and subfactor A in Factor three (3) is more important than Subfactor B. The selection of the successful contractor will be based on the **Best value continuum.**® The contracting officer will select for purposes of award the best overall proposal, based primarily upon technical merits, with costs and other factors considered as appropriate.

- (e) Both the technical and cost/price proposals of the successful Offeror will become part of the official contract file and shall be incorporated into the contract.

### **L.23 Proposal Organization**

The offeror's Technical Proposal and Cost/Price Proposals must be submitted simultaneously and conform to the instructions contained herein.

(1) Technical Proposal: The Offeror shall provide a Technical Proposal which includes a detailed written response to each of the four (4) sub-factors contained herein. Technical proposals must not contain reference to cost. NOTE: The Government's evaluation criteria for all factors and sub-factors is outlined in Section M of the Solicitation.

(2) Cost/Price Proposal

- (i) SF-1442, Solicitation, Offer and Award
- (ii) Schedule B,
- (iii) RFP Section K, Representations, Certifications
- (iv) Bid Bond

### **L.24 Proposal Format**

- (a) Offerors ~~A~~Technical Proposal~~@~~ and ~~A~~Cost/Price Proposal~~@~~ shall be submitted separately and complete in itself so that evaluation of one may be accomplished independently of evaluation of the other. Technical proposals must not contain reference to cost, however, resource information, such as data concerning labor hours and categories, material, subcontracts, etc., may be contained in the technical proposal so that the offeror's understanding of the statement of work can be evaluated. The technical proposals must disclose the offeror's proposed technical approach in sufficient detail to provide a clear and concise presentation that addresses, but is not limited to, the requirements of the technical proposal instructions.
- (b) The proposal must be signed by an official authorized to bind the offeror's organization. Offerors must submit four (4) copies of both technical and cost proposals to:

Department of Treasury  
Attention: Linda R. Hazzard  
Federal Law Enforcement Training Center (FLETC)  
Procurement Division, Building 93  
Glynco, Georgia, 31524

### **L.25 Technical Proposal Instructions**

- (a) Past performance and experience will be used in reviewing technical proposals. See questionnaire at Attachment J #29. In this solicitation, past performance and experience evaluation criteria have been divided into sub-factors. Offeror's technical proposals must

provide sufficient detailed information with each sub-factor so as to allow the Government an opportunity to evaluate Offeror's past performance and experience.

- (b) Proposals that merely offer to complete the contract requirements in accordance with the Government's statement of work will not be eligible for award. Offerors must submit a detailed response to each of the sub-factors listed herein. Responses to the sub-factors must be presented in as much detail as considered necessary to fully explain the Offeror's past performance and experience related to each of the sub-factors. Responses to sub-factors should convince the reader that the Offeror possess a clear understanding of the scope and nature of the work being undertaken.
- (c) Technical proposals shall include specific information as to how the project is to be organized, staffed, and managed. This information should demonstrate the offeror's understanding of important events or tasks and how they propose to manage those tasks.
- (d) Technical proposals shall list the names and proposed duties of key personnel, as well as specific subcontractors to be used in completing this project. Their resumes should be included and contain information on education, background and experience.
- (e) The technical proposal shall provide the general background, experience, and qualifications of the organization. Information on similar or related contracts or subcontracts should be provided in the Offerors response to each sub-factor. If duplicate information is to be used with more than one sub-factor, Offerors may reference duplicate information from one sub-factor to another without repeating the information. The information on similar or related contracts or subcontracts shall include, but not be limited to the following:
  - \* Project name and location;
  - \* Description **IN DETAIL** (with sufficient information to determine "similar");
  - \* Construction cost (include original award amount, completed construction cost or current contract value);
  - \* Construction start and completion dates;
  - \* Owner (contact name, current addresses and telephone number and e-mail address (if known));
  - \* Tenants/Users (contact name, current addresses and telephone number and e-mail address (if known));
  - \* Bonding Companies (contact name, current addresses and telephone number);
  - \* Architects/Engineers/Quality Control Inspector (contact name, current addresses and telephone number and e-mail address (if known));
- (f) The technical proposal shall be submitted in written form and must comply with the following format:
  - 1. Print shall be no smaller than a font size of 12 and must be submitted on 8-1/2 X 11 inch paper, spiral bound, and organized to correspond with the evaluation factors listed in the RFP, and bound separately from the cost/price proposal.

2. Margins shall be no smaller than 1 inch.
3. Each page within a section shall be numbered consecutively.
4. The technical proposal shall be limited to no more than thirty five (35) type written pages. In addition, a maximum of five (5) pages of photographs may be incorporated with the text if desired.

(g) For evaluation purposes, specific terms are defined as follows:

*Similar* is defined as providing construction services encompassing a full range of construction compacts from site work to electrical. Projects vary in complexity site work to facility renovations to new construction with structural framing and complex mechanical and electrical systems.

*Quality* for evaluation purposes is defined as meeting or exceeding the customers requirements as set forth in the construction documents (ie: specifications, drawings, contract clauses and other written terms and conditions) in a timely manner, within the established budget, with a minimum number of RFI's and/or contract modifications, and with efficient coordination and cooperation towards completion of the project in a safe manner.

*Experience* must include a level of work of similar nature and scope for construction of similar mechanical facilities and/or buildings.

*Past Performance* must include a fully successful renovation and construction operation which met the projects schedule and cost requirements.

**(h) FACTORS AND SUB-FACTORS: Offerors shall provide a detailed written response to each of the sub-factors contained herein. A description of each factor and subfactor are outlined below. The Governments evaluation standard for each element are outlined in Section M of the Solicitation:**

**A. EVALUATION CRITERIA ELEMENTS**

- |  |                  |
|--|------------------|
| <b>1. Organization, Management, and Technical Approach</b> |                  |
| <b>A. Management/Technical Capabilities</b>                | <b>25 Points</b> |
| <b>B. Quality Control</b>                                  | <b>25 Points</b> |
| <b>2. Experience</b>                                       |                  |
| <b>A. Firms</b>  | <b>15 Points</b> |
| <b>B. Key Personnel</b>                                    | <b>10 Points</b> |
| <b>3. Past Performance</b>                                 |                  |
| <b>A. Firms</b>  | <b>15 Points</b> |
| <b>B. Key Personnel</b>                                    | <b>10 Points</b> |
| <b>4. Section 508 Compliance</b>                           | <b>0 Points</b>  |

**B. FACTORS**

**1. ORGANIZATION, MANAGEMENT, AND TECHNICAL CAPABILITIES**

**A. Management/Technical Capabilities**

**B. Quality Control**

**a. Subfactor - Management/Technical Capabilities**

**Description:** This factor considers the Offeror's plan for accomplishing this project. Each Offeror shall submit a plan consisting of a narrative explanation of his/her description of their proposed on-site approach to project management, coordination, technical capabilities, safety, submittals, quality control, value engineering, difficult activities, cost control (change orders-how they are proposed and tracked), Request for Information (RFIs) and contract reports, and coordination with the owner. The Offeror must provide enough information to confirm that they have experience in utilizing the tools and techniques stated above in similar projects. References will be contacted and responses annotated.

Additionally, each Offeror shall submit a bar chart schedule or other method of indicating construction milestones and planned sequence of work activities. The Offeror must provide enough information to confirm that they have experience in utilizing the qualities stated above in similar projects. References will be contacted and responses annotated. At least one member of the on-site Construction Team should have monetary signature authority.

**b. Subfactor- Quality Control**

**Description:** This factor considers the Offeror's experience in developing and using a detailed Quality Control Plan. While a detailed QC Plan must be developed specifically for this project after award, this factor considers the Offeror's knowledge, experience and skills in preparing and executing QC Plans. Offerors shall submit references from three previous projects where a QC plan was specifically required, provided and utilized. The plan to be submitted for this project should be used as a tool to ensure that the work is performed in a rational sequence and that the material and quality of work meets or exceeds the requirements as defined in the specifications and drawings.

The terms "*Similar and Quality*" are defined above.

The following information will be required of all references submitted in response to the evaluation factors. This information need only be submitted once for each project and/or key employee used as a reference. If all information is not available, submit as much current information as possible:

- a. Project name and location.
- b. Description in detail (with sufficient information to determine "similar").
- c. Construction cost, projects gross area, and number of stories (including original award amount, completed construction cost or current contract value).
- d. Construction start and completion dates.
- e. List any claims, litigation, or issues and explain each.
- f. Owner (contact name, current addresses and telephone number, and if available e-mail address).

- g. Tenants/Users (contact name, current addresses and telephone number, and if available e-mail address).
- h. Bonding Companies (contact name, current addresses and telephone number).
- i. Architect/Engineers/Quality Control Inspector (contact name, current addresses and telephone number, and if available, e-mail address).

**2. FACTOR: Experience:**

- A. Experience of Firm**
- B. Experience of Key Personnel**

**Description of Experience Factor:**

This factor considers the relevant and complexity of past experience of the firm and of the key personnel. Each Offeror will be required to provide at least three contact persons with the information stated above. References will be contacted and responses annotated on the questionnaire which includes questions about the firm and key personnel. References other than those provided by the Offeror may be contacted and used in the evaluation.

The term “*Similar*” is defined above.

**A. Subfactor-Experience of Firm**

**Description:** This factor considers the relevant experience of the offeror while serving in the capacity as prime contractor on “similar or more complex projects.”

**B. Subfactor-Experience of Key Personnel**

**Description:** This subfactor considers the relevant experience, knowledge, and expertise of key individuals of the construction team who will be assigned directly to the project. Key personnel include at a minimum the Project Manager, Field Superintendent and Quality Control Manager.

**3. FACTOR: PAST PERFORMANCE:**

- A. Past Performance of Firm**
- B. Past Performance of Key Personnel**

**Description of Past Performance Factor:**

This factor considers the quality of the performance of the firm and the key personnel. Each offeror will be required to provide at least three contact persons with the information noted above. References will be contacted and responses annotated on the questionnaire, which includes questions about the firm and the key personnel. References other than those provided by the offeror may be contacted and used in the evaluation.

**A. Subfactor- Past Performance of Firm**

**Description:**

This subfactor considers the quality of the Offeror’s past performance in successfully completing projects should be at the eight (80) percent completion level or more to be considered for



evaluation. Per FAR 15.305(a)(2)(iv), firms with no relevant past performance history may not be evaluated favorable or unfavorable on past performance. Each Offeror should provide at least three projects for evaluation. If the Offeror is a joint venture, mentor-protégé or part of some type of partnering arrangement, firms composing the “Offeror” shall provide a minimum of three references each.

#### **B. Subfactor-Past Performance of Key Personnel**

**Description:** This subfactor considers the past performance of key personnel on the construction team who will be assigned directly to the project. Key Personnel include at a minimum, the Project Manager, Field Superintendent and Quality Control Manager.

#### **4. Section 508 Compliance**

**Description:** This subfactor considers the degree of compliance with the requirements of the Rehabilitation Act of 1973, Section 508 IT Requirements for Accessibility. If no product is available that meets these requirements, the offeror will be evaluated on the proposed products that provide the greatest degree of compliance. No technical evaluation value is assigned to this subfactor.

#### **L.26 Cost/Price Proposal Instructions**

- (a) For purposes of award, the Contracting Officer will select the best overall proposal based primarily upon technical merits, with costs and other factors considered as appropriate. The Contracting Officer will use cost and price analysis to evaluate the price, not only to determine whether it is reasonable, as determined by a comparison to Government estimate and/or the technical advisors, but to determine the Offeror's understanding of the work and ability to perform the contract. Prices will be evaluated after all technical evaluations have been completed. Unsupported or unreasonable cost proposals may result in discussions with Offerors, or rejection of the proposal in its entirety.
- (b) Offerors must complete blocks 14 through 20 of the Standard Form (SF) 1442, as well as Section B, Cost Proposal. The Proposal must be submitted separately from the technical proposal.
- (c) Offerors must stipulate that their proposal is predicated upon their acceptance of all terms and conditions of this Solicitation. In addition, it must contain a statement to the effect that the technical and business proposal are firm for a period of at least ninety (90) days from the date of receipt by the Government. If the Government elects to award a contract to more than one source, no further adjustments to the prices will be allowed at the time of award.
- (d) Offerors are advised that in proposal evaluation, paramount consideration shall be given to technical rather than cost or price. Notwithstanding the above, the Government intends to award a resulting contract to the Offeror with the highest technical evaluation offering a reasonable price, without discussions.

### **L.27 Incurring Costs**

This solicitation does not commit the Government to pay any cost for the preparation and submission of a proposal. Furthermore, the Contracting Officer is the only individual who can legally commit the Government to the expenditure of public funds in connection with this proposed acquisition.

**END OF SECTION L**